



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**STATEWIDE GRIEVANCE COMMITTEE**

Michael P. Bowler, *Statewide Bar Counsel*

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Judicial Branch Website: [www.jud.ct.gov](http://www.jud.ct.gov)

Attorney Mark Dubois  
Chief Disciplinary Counsel  
100 Washington Street  
Hartford, CT 06106

Attorney Jacek I. Smigelski  
122 Main Street  
New Britain, CT 06051

RE: Grievance Complaint #05-0990  
Grievance Panel for the Judicial Districts of New Britain and Hartford v. Smigelski

Dear Chief Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* dated April 27, 2006 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission and Agreement as to Discipline*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record, and after conducting a hearing pursuant to Practice Book §2-82(b) on May 4, 2006, the undersigned hereby APPROVE the *Conditional Admission and Agreement as to Discipline*, a copy of which is attached hereto. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission and Agreement as to Discipline* is hereby made an order of this reviewing committee. The Respondent is reprimanded and ordered to attend a continuing legal education course in the area of professional responsibility or legal ethics, in-person and at his own expense. The course must consist of a minimum of three credit hours and must be completed within six months of the issuance of this decision. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within thirty days of completion of the continuing legal education course.

So ordered.

cc: Attorney Beth Cvejanovich  
Attorney James F. Sullivan  
Attorney Gregory A. Benoit

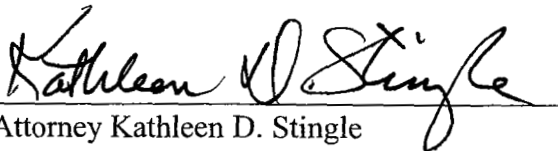
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DECISION DATE: 6/23/06

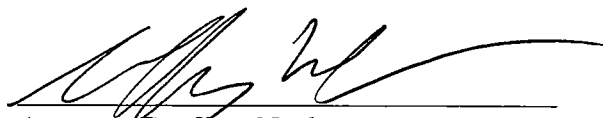
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Attorney Kathleen D. Stingle

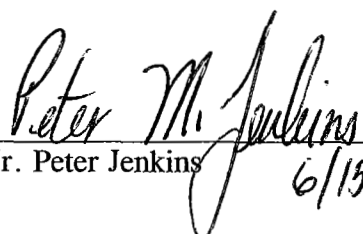
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Attorney Geoffrey Naab

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Mr. Peter Jenkins 6/15/06

**STATEWIDE GRIEVANCE COMMITTEE**

**NO. 05-0990**

**HARTFORD/NEW BRITAIN PANEL**  
**Complainant**

**Vs.**

**JACEK SMIGELSKI**  
**Respondent**

**CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE**

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant Hartford/New Britain Panel upon referral from Judge Robert McWeeney.
2. On December 14, 2005 the New London Grievance Panel found probable cause that the Respondent had violated Rules 3.4(3), 4.2, 4.3, 8.3(a), 8.4(1), 8.4(3) and 8.4(4) with regard to his dealings with Guy Mitchell, a person who at the time was represented by another lawyer in a divorce matter.
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting certain of the facts of the complaint.
4. Respondent has been reprimanded three times by the Grievance Committee, in 1997, 1999 and 2000..
5. Respondent has agreed that he will be reprimanded for his conduct and will attend a course of continuing legal education in the area of professional ethics or professional responsibility within six months form the date of the

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approval of this agreement by a Reviewing Committee of the Statewide Grievance Committee.

6. A copy of the Conditional Admission and Affidavit has been sent to the Complainant. Complainant will be given an opportunity to advise the Committee of his position on the disposition of this matter.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Date

4/29/06

Office of Disciplinary Counsel

By Mark A. Dubois  
Chief Disciplinary Counsel

4-27-06

Date

Respondent Jacek Smigelski

Jacek Smigelski

4-27-06

Date

Respondent Jacek Smigelski

by James Sullivan, his attorney

**AFFIDAVIT**

STATE OF CONNECTICUT) Ss: HARTFORD APRIL 27, 2006  
COUNTY OF HARTFORD)

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book §2-82, I make the follow affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to the form of discipline set forth in the attached Conditional Admission, which is I will be reprimanded and I will attend a CLE course in professional responsibility of legal ethics within six months of the approval of this agreement. If no such CLE course is available, I will obtain the course materials by tape or CD and certified that I have completed the entire course.
3. I am aware that I have a right to a full evidentiary hearing on this matter and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and Conditional Admission.
5. I am aware of the current proceeding regarding my alleged violation of Rules 3.4(3), 4.2, 4.3, 8.3(a), 8.4(1), 8.4(3) and 8.4(4) of the Rules of Professional Conduct in connection with my involvement with Guy Mitchell and my purchase from him of property in New Jersey.
6. I admit that I learned of the Mitchell/Deprey divorce matter through Thomas Marshall, a lawyer who was sharing space in my office.

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7. When Attorney Marshall was ill, I stepped in and represented Ms. Deprey in her divorce case by appearing in court in New Britain on a motion that had been marked ready.
8. I later learned that Mr. Mitchell owned property in Cape May, New Jersey. I also learned that he was represented by Attorney Timothy Sheehan.
9. After the transaction took place that is referenced in paragraph 12, I became aware that Mr. Mitchell had a drinking problem.
10. Mr. Mitchell offered to sell the New Jersey property to me for \$4,000. I had no idea of what the property was worth before the transaction. Later, I learned that this property had an appraised value of \$20,000.
11. After Mr. Mitchell had told me that he had discharged Attorney Sheehan, I told Mr. Mitchell that he would have to file a pro se appearance form in lieu of Attorney Sheehan before I would undertake this transaction.
12. I then gave Mr. Mitchell cash for the property and prepared a deed to transfer it to an LLC of which I was the sole member.
13. I did not tell Attorney Sheehan what I had done. He only learned of this when he happened upon us in the courthouse.
14. I knew it was improper for me to be dealing with a represented party, for me to buy property from the marital estate during the divorce proceedings, and for me to deal with Mr. Mitchell without recommending to him that he seek the advice of a lawyer in the transaction.
15. When this above transaction was addressed to Judge McWeeney by Attorney Sheehan, I told Judge McWeeney that I did not buy the property individually. I told him that a company had bought it.
16. A limited liability corporation ("LLC") did buy the property. The property was transferred to an LLC of which I am the sole member. I did not have an opportunity to tell that to the judge.



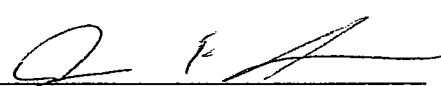
17. I admit that my conduct as complained of in all of these regards violated Rules 3.4(3), 4.2, 4.3, 8.3(a), 8.4(1), 8.4(3) and 8.4(4) of the Rules of Professional Conduct.
18. Recently, I, through the LLC referenced above, transferred all title to the New Jersey property back to Mr. Mitchell without payment, and I paid in the amount of \$2,382.50 for the guardian ad litem services provided to Mr. Mitchell.
19. I am willing to be reprimanded for my conduct and to attend a course of continuing education in the area of professional responsibility or legal ethics.



Jacek Smigelski

Subscribed and sworn to before me

this 27<sup>th</sup> day of April, 2006.



Commissioner of the Superior Court